

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

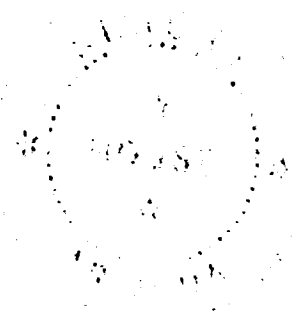
CHAPTER 137

# HOUSE BILL 2122

AN ACT

AMENDING SECTION 48-902, ARIZONA REVISED STATUTES; RELATING TO COUNTY  
IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-902, Arizona Revised Statutes, is amended to  
3 read:

4 48-902. Authorization for improvement district; areas and lands  
5 excluded

6 A. An improvement district may be established in any unincorporated  
7 area, whether or not contiguous, by the board of supervisors of the county  
8 in which the proposed district is located, for the purpose of constructing  
9 and operating a wastewater treatment facility and making other local  
10 improvements or acquisitions IN THE DISTRICT OR FOR THE BENEFIT OF THE  
11 DISTRICT THAT ARE permitted by this article, and may contract for or in any  
12 other manner provide transportation services within the district through  
13 special assessments in such districts, or the issuing of bonds or making  
14 other contractual arrangements for improvements, and levying taxes for the  
15 operation and maintenance of such improvements and of streets within the  
16 district OR FOR THE BENEFIT OF THE DISTRICT.

17 B. With written consent of the state land commissioner an improvement  
18 district may include state lands or state trust lands within its boundaries,  
19 but those lands shall not be included for purposes of forming or objecting  
20 to the formation or expansion of a district.

21 C. Notwithstanding subsection A of this section, an improvement  
22 district established for the purposes described in section 48-909, subsection  
23 A, paragraph 1, 6, or 7 OR 10 may include areas in an incorporated city or  
24 town with the consent of the city's or town's governing body.

25 D. At the time of the establishment of an improvement district, none  
26 of the following shall be included in the improvement district:

27 1. Territory lying within an incorporated city or town except as  
28 provided in subsection C of this section.

29 2. Lands owned or held by any common carrier for use in connection  
30 with interstate or intrastate commerce.

31 3. Unpatented mining claims.

32 E. Unless the improvement district is formed for the purposes  
33 described in section 48-909, subsection A, paragraph 7, at the time of  
34 establishment of an improvement district, none of the following shall be  
35 included in the improvement district if the owner objects to such inclusion  
36 as provided in subsection F of this section:

37 1. Lands owned or held for mining or metallurgical purposes.

38 2. Any tract of land of twenty or more acres in area actually used for  
39 commercial farming or commercial stock raising, or any subdivided lands of  
40 which lots or blocks have not been offered generally for sale since the lands  
41 were subdivided.

42 F. The owner of any property included in the classifications listed  
43 in subsection E of this section may have the property excluded from the  
44 proposed improvement district if the owner files a verified statement with  
45 the board of supervisors prior to the adoption of the resolution ordering the

1 formation of the district, stating that the person executing the statement  
2 is one of the owners of the respective lot or parcel, the respective  
3 classification, that the lot or parcel is within such classification on the  
4 date of the statement, the legal description of the lot or parcel and that  
5 the signer requests that the lot or parcel be excluded from the improvement  
6 district. Any property owner may contest the statement at the hearing on  
7 formation of the improvement district. The board of supervisors shall rule  
8 on all such objections.

9 G. A domestic water improvement district may be formed or expanded in  
10 noncontiguous areas. If the proposed boundaries of a noncontiguous district  
11 are located within six miles of an incorporated city or town, the district  
12 shall obtain the consent of the governing body of the city or town prior to  
13 the formation or expansion of the district.

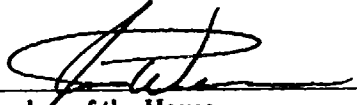
APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 8, 2002,

by the following vote: 47 Ayes,

3 Nays, 10 Not Voting

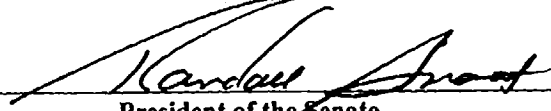
  
Speaker of the House

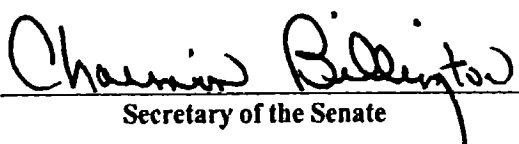
  
Chief Clerk of the House

Passed the Senate April 30, 2002,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

  
President of the Senate


  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002

at 2:56 o'clock P M.

  
Secretary to the Governor

Approved this 6<sup>th</sup> day of

May, 2002,

at 3:44 o'clock P M.

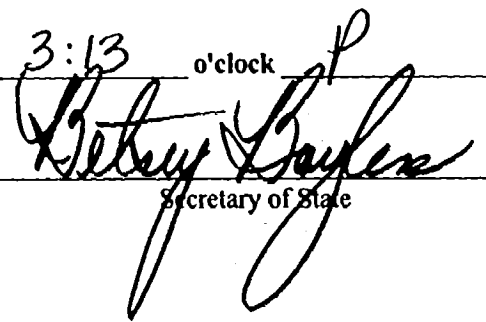
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2002,

at 3:13 o'clock P M.

  
Secretary of State

H.B. 2122